



Greater Hartford Legal Aid

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Select Committee on Children
February 22, 2011

**Testimony of Atty. Shirley Pripstein
in opposition to H.B. 5815**

I am an attorney at Greater Hartford Legal Aid, a position I have held for 30 years. For all of those 30 years, my practice has been exclusively in the area of family law and domestic violence. I am an active member and a former chairperson of the Family Law Section of the Bar Association.

I am here today representing Legal Services. On behalf of the Connecticut Legal Services consortium, I ask you to reject H.B. 5815, An Act Concerning Divorce Mediation.

Mediation can be a useful tool to help parties resolve their differences. It should be, and currently is, available through Family Services to those couples, married and unmarried, who want to utilize it for custody and visitation issues. For more affluent couples, The Connecticut Counsel of Divorce Mediation can provide a list of trained and skilled divorce mediators.

Like any tool, mediation is not appropriate in all circumstances. Certainly it is not appropriate in cases in which there has been domestic violence. It is also not appropriate in cases in which one of the parties has impaired cognitive abilities, or does not speak the language of the mediator, or where there is a power imbalance between the parties, in which case the weaker party is likely to see mediation as a form of coercion.

Currently, in all family cases parties are required to meet with a family relations counselor before a motion can be argued at short calendar. In addition, in most Connecticut judicial districts there is a multi-level intervention program consisting of a special masters pre-trial conference staffed by volunteer attorneys and a judicial pretrial before a case can be scheduled for trial. For contested custody cases, the regional family trial docket provides an all-day special masters conference staffed by a volunteer attorney and a volunteer mental health professional. It is difficult to see what could be gained by requiring, in addition, that parties meet with a family relations mediator.

The family relations division of court support services is already understaffed and overworked. Requiring them to perform an additional service would only detract from

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what we in legal services see as their primary and most valuable mission: performing custody evaluations

Family relations officers currently do not get involved in property distribution and have no training in this area. Additional training would be required.

Finally, the legal services community is at a loss as to why the committee seeks to mandate mediation only for married couples with children, unless the covert purpose of the bill is to make it harder for such couples to obtain a divorce.

Mediation services should be available to both married and unmarried parents, and to married couples both with and without minor children. Available, but not mandated. The bill in its present form should be rejected.

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